

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK EDMONDS,
Plaintiff,
v.
D2IQ INC., et al.,
Defendants.

Case No. 23-cv-02741-VC

**ORDER GRANTING MOTION FOR
SUMMARY JUDGMENT**

Re: Dkt. No. 68

The motion for summary judgment filed by Nutanix and Knaup is granted. Edmonds has produced no evidence that Nutanix ever employed him, nor does he even respond to that issue in his opposition brief. And Edmonds's claims against Knaup fail because Edmonds's only evidence of his employment relationship with Knaup is that Knaup was aware of his complaint while Knaup was serving as CEO of D2IQ. This is insufficient to support a conclusion that Knaup was Edmonds' employer. Under these circumstances, then, there can be no individual liability for Knaup. *Miller v. Maxwell's International Inc.*, 991 F.2d 583, 587 (9th Cir. 1993); *Raines v. U.S. Healthworks Medical Group*, 15 Cal. 5th 268, 276 (2023) (citing *Reno v. Baird*, 18 Cal.4th 640, 663 (1998)).

This leaves D2IQ as the sole remaining defendant. The Court is unclear whether D2IQ is an entity that can be sued at this point. A Zoom case management conference is scheduled for Friday, July 11, 2025 at 10:00 a.m. to discuss this matter. Edmonds should file a status report by Monday, July 7, discussing whether he plans to proceed against D2IQ, and if so, explaining how it is feasible to do so given the entity's current status.

IT IS SO ORDERED.

Dated: June 20, 2025

A handwritten signature in black ink, appearing to read 'Vince', is positioned above a solid horizontal line.

VINCE CHHABRIA
United States District Judge